

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8643

Petition of Vermont Gas Systems, Inc. for authority to )  
condemn easement rights in property interests of the )  
Town of Hinesburg, Vermont, at Shelburne Falls Road, )  
Hinesburg, Vermont, for the purpose of constructing the )  
pipeline authorized in Docket 7970 )

Order entered: 8/3/2016

**SECOND ORDER CLARIFYING LOGISTICS FOR TECHNICAL HEARING**

In this Order, the Vermont Public Service Board (“Board”) revises its Orders of July 15 and 22, 2016, related to logistics for the evidentiary hearing scheduled in this Docket for August 4, 2016 (the “August 4<sup>th</sup> evidentiary hearing”), and opens that hearing to public attendance. The Board issues this Order to comply with the Opinion and Order of the United States District Court for the District of Vermont granting in part and denying in part a motion for a preliminary injunction related to the technical hearing (“U.S. District Court Order”).<sup>1</sup> Members of the public will now be able to attend the evidentiary hearing in person, subject to the legal capacity of the hearing room to accommodate the presence of 48 persons.<sup>2</sup>

**Allocation of space for attendance**

In the July 15<sup>th</sup> Procedural Order, the Board requested that the parties advise the Board by July 29, 2016, of the name and role (i.e., named party, counsel, witness, staff, etc.) of each person who will attend the August 4 hearing. Based on the parties’ filing and preliminary calculations of the allotted spaces, the Board currently estimates that 35 of those places will be needed to accommodate the parties (the Town of Hinesburg, seven members of the public who use Geprags Park, the Vermont Department of Public Service, and Vermont Gas Systems, Inc.), the parties’ witnesses, the court reporter, Board members and staff, and

---

1. *Barrett v. Volz et al.*, Opinion and Order Granting in Part and Denying in Part Plaintiff’s Motion for a Preliminary Injunction (D.Vt., Aug. 1, 2016), Case No. 2:16-cv-209.

2. The occupant capacity of the hearing room where the August 4<sup>th</sup> evidentiary hearing will be held is limited to 48 people under applicable fire code regulations.

representatives of ORCA Media.<sup>3</sup> So as to reach as many members of the public as possible through the media, assuming there are 13 remaining spaces, the Board plans to allocate seven of the remaining spaces in the hearing room to representatives of the news media. No fewer than six of the remaining spaces in the hearing room will be allocated to members of the public.

#### **Admission into the hearing room**

Members of the public will be admitted into the hearing room shortly before the start of evidentiary hearing (after the parties, their witnesses, the court reporter, Board members and staff, ORCA Media, and news media representatives have been admitted).

#### **Public attendance**

In light of the limited space that will be available in the hearing room, members of the public who wish to be present in the hearing room shall join a line to be formed at the entrance to the building in which the evidentiary hearing will be convened. Members of the public will be admitted to the hearing room starting at the front of the line until the legal occupancy limit of the hearing room has been reached. Additional people will be admitted from the front of the line if space opens up during the course of the hearing.

#### **Standards of conduct in the hearing room**

Members of the public who attend the evidentiary hearing in person are reminded that the hearing room is not a public forum but a space specifically dedicated to the public adjudicatory function in which the parties have the opportunity to present evidence in support of their positions. We expect all those attending the technical hearing to respect the purpose of the hearing and to refrain from disruptive behavior that interferes with the ability of the Board to conduct this hearing and of the parties to present their respective cases to the Board. As the U.S. District Court Order observes, disruptive attendees also might impair the rights of other members of the public who attend the hearing.<sup>4</sup> Disruptive behavior that will not be permitted includes, among other things, singing, humming loudly, chanting, whistling, clapping, or calling out comments during the evidentiary hearing. Anyone who engages in disruptive behavior will receive a warning to cease such conduct. Thereafter, if the disruptive conduct continues or resumes, the disrupting person will be removed from the hearing room.

#### **Media Attendance**

---

3. We will not be able to determine the exact number of spaces in the hearing room available for the public until just before the start of the hearing after the parties and representatives of the new media are admitted.

4. U.S. District Court Order at 11.

To date, the Board has received requests to attend the evidentiary hearing from news organizations that exceed the seven allotted attendance places. In addition to the camera to be operated by ORCA Media for purposes of live streaming the hearing, only two other portable television cameras, or videotape electronic cameras— each operated by no more than one camera person--will be permitted in the hearing room. The Board encourages news media organizations to enter into pooling arrangements because of these limits on personnel and equipment.<sup>5</sup> Such a pooling arrangement could potentially open up additional spots for public attendance at the hearing. Otherwise, the seven allotted places for the news media will be provided on a “first come, first served” basis, subject to the constraints on camera equipment, among those who have submitted requests to attend the hearing, based on when the request was received by the Board. The Board received requests from media organizations in the following order: Vermont Public Radio (one representative); Associated Press (one representative); Burlington Free Press (two representatives and camera equipment); Seven Days (one representative); The Bridge (one representative); Fox & ABC News (two representatives and camera equipment); WCAX (two representatives and camera equipment); and Channel 5 News (two representatives and camera equipment).

### **Break schedule**

As noted in our July 15th Procedural Order, there are no stores or dining options near the hearing site. Therefore, anyone attending the technical hearing may wish to bring food and beverages with them. The Board plans to take brief breaks in the morning, afternoon, and, if the hearing goes late, in the evening as well as a short lunch break. Members of the public who attend the hearing in person are hereby cautioned that they may not be able to retain their places in the hearing room if they leave the building premises at any time during the day.

### **Additional Alternative Public Monitoring Options**

Members of the public will also be able to listen to the proceedings during the August 4<sup>th</sup> evidentiary hearing via telephone by dialing a toll-free conference call number (1-877-273-4202) and entering the pin number (4085308) when requested. In addition, the Board expects that the public will be able to watch a live video and audio stream of the proceedings through the ORCA

---

5. The media will be solely responsible for any pooling arrangements required by these limits on equipment and personnel. The Board will not mediate any dispute about the appropriate media representative or equipment authorized to cover a particular proceeding. *See* Rule 79.2(e) (4) of the Vermont Rules of Civil Procedure.

Media YouTube channel. The Board will post a link to this video on the home page of its website (<http://psb.vermont.gov/>) on the morning of the technical hearing.

**So ORDERED.**

Dated at Montpelier, Vermont, this 3<sup>rd</sup> day of August, 2016.

s/James Volz )

)

PUBLIC SERVICE

)

s/Margaret Cheney )

)

BOARD

)

OF VERMONT

s/Sarah Hofmann )

OFFICE OF THE CLERK

FILED: August 3, 2016

ATTEST: s/Judith C. Whitney  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov))*